HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 2123 of 2007

PETITIONER : M/s. Technodrillers, 38, Vallabh Nagar, Pachpedi Naka, Raipur, C.G. Through Its Managing Partner Mool Chand Jain, Aged about 58 years, R/o C-135, Sector V, Tagore Nagar, Raipur District Raipur (C.G.)

VERSUS

RESPONDENTS :
1. State of Chhattisgarh Through Secretary, Public Health Engineering Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Engineers in Chief Public Health Engineering Department, Raipur, C.G.
3. Chief Engineer, Public Health Engineering Department, Raipur Circle, Raipur C.G.
4. Project Engineer, Public Health Engineering Department, Raipur Circle, Raipur, C.G.
5. M/s. Manish Pipes Pvt. Ltd. through its Director Shri Jagdish Prasad Jhanwar S/o. Shri Deepchand Jhanwar, aged about 50 years, R/o B-13 Rawanbhata, Industrial Area, Raipur, (Chhattisgarh)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Coram : Hon'ble Shri Jagdish Bhalla, Acting Chief Justice & Hon'ble Shri Satish K. Agnihotri J.

Present: Shri N.K.Vyas, Advocate for the petitioner.
Shri Prashant Mishra, Additional Advocate General for the State.
Shri Sanjay K. Agrawal, Advocate for the intervenor.

ORDER

(Passed on 9th day of August, 2007)

The initial challenge of the petitioner, with respect to grant of tender-form has already become infructuous because the tender has already been accepted, but the work could not start as the interim order dated 16.7.2007 has been passed by this Court. The second prayer with regard to competency to impose restriction/condition No. 1, it has been submitted on behalf of the petitioner that it could only be done with the permission of the State Government. Whereas, according to the learned Additional Advocate General, this condition can be

imposed by Engineer-in-Chief. The same has been done with the approval of the Engineer-in-Chief and later on, approval was accorded by the State Government.

On the other hand, for Group B matter, approval of the State Government is required. Since the condition of the Group A, which was challenged by the petitioner, can be imposed by the Engineer-in-Chief, no interference is warranted. Thus, the petition is dismissed accordingly.

The interim order granted on 16.7.2007 is discharged. However, it could be open to the petitioner to seek redressal before proper forum, if he so desires. No further order is required.

Sd/-
Ag. Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Amit/Bablu